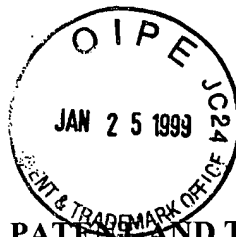


Docket No.: 50253-028 (P1453)



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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

BRUCE TOGNAZZINI

Serial No.: 08/655,136

Filed: May 30, 1996

For: CATALOG PHONE SALES TERMINAL

Group Art Unit: 2762

Examiner: Jason Rhodes

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APPEAL BRIEF

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is an appeal from the Final Rejection of the Examiner dated July 27, 1998. This Brief is submitted in support of the Notice of Appeal filed November 25, 1998.

REAL PARTY IN INTEREST

The real party in interest is SUN MICROSYSTEMS INC. of Mountain Valley, California.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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STATUS OF CLAIMS

Claims 1-20 stand rejected. This appeal is from the rejection of claims 1-15 and 17-20. Appeal from the rejection of claim 16 is hereby withdrawn.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final Office Action.

SUMMARY OF INVENTION

The invention permits a user at his home telephone to store information, such as credit card information, which may be provided to a plurality of (e.g.) vendors at respective called telephone numbers. The stored information may include information received from one of the called stations which may include information provided orally to the called station by the user. After calling a second (or subsequent) called station, a key may be activated to send information, previously stored, from the base station to the second (or subsequent) called station.

The apparatus of one exemplary embodiment of the calling base station is illustrated in Figure 1. In Figure 1, a telephone 100, connected to a line 160, is also connected to a credit card reader 150, and to a removable unit 110 for storing the stored information, and to a key 140 for sending the stored information.

The invention is useful, for example, when a consumer repeatedly orders merchandise over the telephone from one or more catalog stores. In this case, the consumer calls the catalog store telephone number using the telephone included in the base station apparatus of the present invention. The consumer is requested by the catalog store system (the called station) to provide information to the catalog store from a card, such as a credit card or a flash card, in the consumer's possession using the

card reader at the base station, and the consumer may be requested to provide or input additional information, such as a delivery address. Some or all of this information is then processed by the called station, and may be bundled with additional information provided by the called station, such as a time stamp, and the resulting information is transmitted to the station which provided the information, where it is stored in a memory device attached to the base station. Then, when the consumer calls the store a second time (or a second catalog store), the consumer can send the stored information to the second called station without retyping the requested information or reading the credit card again. (Specification, page 4, line 15, to page 5, line 5.)

This invention makes the second transaction easier on the consumer, encouraging more such transactions. This invention also saves time and resources for the catalog store which, because of this invention, does not have to prompt the consumer and tie up valuable phone lines and customer representatives waiting for, or typing in, a response to a question the consumer had previously answered in a different call. (Specification, page 1, line 13, to page 2, line 3.) The invention also makes easier non-commercial transactions that entail entry of social security number, business telephone number, etc., (specification, page 2, lines 3-7).

The memory device can be part of a removable portable device, such as a "Smart" card, as shown engaged in a docking port in Figure 1. Such a removable portable device can be taken with the user to other telephones with a docking port. If a converter and speaker are included on the portable device, as shown in Figures 3A and 3B, the portable device can be used with a regular phone, that doesn't have a docking port, by playing the information back as a series of sounds projected from the included speaker onto the regular telephone's microphone. (Specification, page 13, lines 6-25).

ISSUES

The issues on appeal are:

Issue 1: Whether the Examiner erred in rejecting claims 1-4, 11-15 and 17-20 under 35 U.S.C. §103 as unpatentable over Weiss et al., U.S. Patent # 5,195,130 (Weiss) in view of Rosen, U.S. Patent #5,455,407 (Rosen).

Issue 2: Whether the Examiner erred in rejecting claims 5-10 under 35 U.S.C. §103 as unpatentable over Talton, U.S. Patent # 5,452,352 (Talton) in view of Weiss.

GROUPING OF CLAIMS

All claims are argued separately and stand or fall independently of any other claim; except, claims 2-3 and 18 stand or fall with claim 1, and claims 6-8 and 10 stand or fall with claim 5.

ARGUMENT

Each of independent claims 1, 5, 11, 13 and 15, directly or indirectly, require card information from a card at the calling base station, sending that card information to a first called station, storing information received from the first called station that includes the card information into a data memory, and sending stored information to a second called station. If C represents card information provided to the called first station, X represents information received at the base station from the first called station, D represents information stored in the data memory, and S represents information sent to the second called station, and if braces {} enclose included information, then the relationship among the types of information recited in these claims can be represented by the expression $S\{D\{X\{C\}\}\}$. Here, S, D, X, C and this relationship $S\{D\{X\{C\}\}\}$ are all significant limitations of these claims and must be taught or suggested in the references for a proper rejection. Claim 17 requires information from a

customer, that can be represented symbolically by I, and information recorded at the called station, symbolically R. Then claim 17 includes limitations represented by $S\{D\{X\{R\{I\}\}\}\}$.

Weiss is directed to a "telephone configured as a programmable microcomputer" ("telephone-computer") which can be "reconfigured" remotely from a "network host computer" (Weiss, Abstract).

The telephone-computer can also be partially reprogrammed remotely from the network host computer. Specifically, Weiss discloses

a network host computer [provides] a series of . . . application program 'pages' which are downloaded to the present telephone-computer. A page includes screens to be displayed . . . and logic associated with specific operations described on the screens. (Weiss, column 6, lines 57-62.)

The reconfigured and reprogrammed telephone-computer is used to prompt a user, co-located with the telephone-computer, to input manual information to the telephone-computer which is transmitted to the network host computer (Weiss, column 7, lines 1-7, and column 23, lines 45-50).

The network host computer "communicates with a vast panoply of service bureaus" (Weiss, Abstract) based on this input (Weiss, column 7, lines 5-13, and column 23, lines 45-51). Specifically, Weiss discloses

to access the service computer 60a of Bank A . . . the user activates a terminal [i.e., telephone-computer]. . . the terminal will send a message to the network host computer which in turn consults its internal memory to locate an application program required to access the service computer 60a of Bank A and will download an appropriate program to the terminal. The terminal will in turn operate using this program and will ask the user various questions required to prompt the user to input the information needed to access his account at the bank, i.e., for example, his account number, his secret access code, the type of transaction desired, the amount of deposit, withdrawal, or transfer required, and so on. This information is then transferred from the terminal to the network host computer in a message having a first protocol. The network host computer transforms this information into whatever second protocol is conventionally required to communicate with the service computer 60a. If, on the other hand, the consumer desired to access Bank B, typically, the consumer will be asked the same questions by way of prompts . . . (Weiss, column 23, line 52 to column 24, line 11).

Issue 1:

The Examiner erred in rejecting claims 1-4, 11-15 and 17-20 under 35 U.S.C. §103 as unpatentable over Weiss in view of Rosen.

Applicant submits that there are several differences between the references and the claimed invention.

With respect to claim 1, the Examiner associates “a bank service computer” with “a possible called station” (final Office Action, page 3). In this case, information, such as bank account information stored on a smartcard at the telephone computer being transferred to a calling station (like C above) could arguably be said to be disclosed by Weiss. Weiss discloses information sent to the telephone-computer; symbolically, Weiss discloses X. However, Weiss does not disclose that the smartcard information is returned in the information sent back to the consumer at the telephone-computer. Symbolically, Weiss does not teach $X\{C\}$, as required by claim 1. Furthermore, Weiss does not teach or suggest storing the result in a memory device at the telephone-computer (symbolically, $D\{X\{C\}\}$) as required by claim 1. Also, Weiss does not teach or suggest sending the stored results to a second bank (symbolically, $S\{D\{X\{C\}\}\}$) as required by claim 1. In fact, Weiss suggests just the opposite, that the user is prompted again upon connection to a second bank “If, on the other hand, the consumer desired to access Bank B, typically, the consumer will be asked the same questions by way of prompts” (Weiss, column 24, line 11, emphasis added). This teaches away from the claimed invention. Symbolically, Weiss suggests $S\{C\}$ not $S\{D\{X\{C\}\}\}$. Thus Weiss does not teach or suggest sparing the consumer or user the redundant effort of repeatedly entering information from one session to another, by storing previous entries on the user’s base station.

The Examiner admits that “Weiss does not disclose the sending of information received from the called station to another called station for a second transaction” (final Office action, page 7) as

required by claim 1. The Examiner relies on Rosen to teach that “a seller (issuing bank) site transfers electronic notes [e.g., electronic currency] to a customer site . . . The customer can then send the information comprising the electronic notes to a seller (not necessarily the issuing bank)” (final Office action, page 7). Thus, the Examiner appears to hold that Rosen shows information supplied by one called station; a bank, (symbolically, X) is stored by the called station, a customer, (symbolically, D{X}) and sent to a subsequent called station (symbolically, S{D{X}}). Furthermore, the Examiner maps the note of Rosen to the information stored on the consumer’s card; “the electronic notes consists [sic] of a set of data (col. 19 line 47-col. 20 line 10) which is stored by the customer in memory (col. 13, lines 6-17)” (final Office action, page 7).

Rosen does not cure the deficiencies in Weiss, because the information sent to the consumer (symbolically, X) is not shown by the Examiner to be information that originated with the consumer (symbolically C if on a card or I if other information provided by consumer to called station). Thus Rosen does not teach or suggest sparing the consumer or user the redundant effort of repeatedly entering information from one session to another, by storing previous entries on the user’s base station.

Rosen is directed to a “monetary system using electronic media to exchange economic value securely and reliably” (Rosen, Abstract).

Electronic notes 11. . . are generated by the Money Generator module 6 for an Issuing Bank 1. These notes 11 are then transferred by a Teller money module 5 to a subscriber utilizing a Transaction money module 4. Electronic notes 11 may be representations of currency or credit authorizations. For security reasons, all electronic notes 11 will expire after a preset time period. Once expired, the notes 11 must be redeemed at a participating bank for updated ones before they can be transferred. (Rosen, column 6, lines 49-58)

Sequential transfers of notes are depicted in FIG 51 of Rosen and discussed in column 20, line 33 to column 21 line 44. The transfers of notes are one-way from one module to the next in a series of sessions or transactions that could arguably be said to correspond to calls. Nowhere does Rosen show

sending back to the base station a note sent from the base station to the called station during the same call. Symbolically, Rosen does not show $X\{C\}$.

For example, referring to FIG. 51 of Rosen, an electronic note of Rosen is generated by a bank in Money Generator 1003. A consumer (e.g., transaction module 1025) calls a Teller module 1023 to receive a note. The note passes from the Money Generator 1003 to the Teller Module 1023 to the consumer's Transaction module 1025. Symbolically, the issued note can be said to be X , information sent to the base station from the called station. However, X is not $X\{C\}$ because no note on the consumer's card at the time the transaction is initiated is shown to be included in the information X sent to the consumer as the note. Thus Rosen does not disclose or suggest $X\{C\}$.

With further reference to FIG. 51 of Rosen, the consumer's Transaction module 1025 may later pass the note on to a seller of goods with Transaction module 1033. Rosen does not disclose which Transaction module calls the other, but the Examiner apparently takes the position that Rosen suggests the consumer's module 1025 calls the seller's module 1033. The Examiner asserts the "customer can send the . . . electronic notes to a seller (not necessarily the issuing bank)" (final Office action, page 7). In this case, the seller's module 1033 might be considered a called station. Since the Examiner's position is that the note on the consumer's module 1025 can be considered to be information on a originating card, when the consumer sends the note to the seller's module, that note can be said to be information stored on the consumer's card sent to a called station (symbolically, C). However, after that note is sent, it is spent, -- it is not sent back. "Only the receiver of the transferred note 11 can either deposit the note 11 or use it in payment" (Rosen, column 21, lines 36-37). Thus the flow is represented by the one-way arrows in FIG. 51. The transferred note is then tracked by the called station -- it is not returned to the consumer, otherwise, the consumer can spend the same note twice.

Symbolically there is no $X\{C\}$ disclosed to be transmitted back to the consumer to be stored on the consumer's card as $D\{X\{C\}\}$. Thus Rosen does not teach or suggest $X\{C\}$ as required by claim 1.

The Examiner appears to have ignored a significant limitation in Applicant's claim 1. By considering any information transferred from a called station as satisfying the requirements of claim 1 to transfer information from a first called station to a second called station, the Examiner has ignored the limitation that the information from the first called station must contain information sent to the first called station from a card reader on the base station. Symbolically, the Examiner has improperly ignored the limitation that X be $X\{C\}$.

Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §103 is improper because the combination does not teach or suggest Applicant's claim 1.

Furthermore, the Examiner does not provide a technical reason or motivation to combine these references. There is no shortcoming in either Weiss or Rosen identified by the Examiner that would lead a person of ordinary skill in the art to look to the other for a solution. The motivation proposed by the Examiner is that one of ordinary skill would send "electronic notes as disclosed by Rosen as the method of payment for telephone purchases in the system disclosed by Weiss." But Weiss is directed to data processing and does not either address purchases on the network, or identify the lack of electronic money as a deficiency in the system proposed.

The Examiner also proposes as motivation to combine that "customers would not have to worry about having their credit card account numbers being intercepted by third parties or misused by sellers." Weiss does not indicate that any deficiency exists in the system proposed due to credit card account numbers being intercepted or misused. Weiss does not even refer to credit cards in the passages cited by the Examiner. In addition, Applicant's specification does not indicate that the use of credit cards is a problem that is an object of the invention. Applicant's invention works well where

known credit cards are the source of funds and does not require substituting Rosen's electronic notes for credit cards. Also, in arguing a motivation to combine, the Examiner does not show how the notes of Rosen are less subject to discovery or misuse by third parties than are the account numbers of Weiss that are protected with Personal Identification Numbers (PINs) and encryption. The Examiner asserts that "a would-be thief would need access to someone else's computer in order to use electronic notes . . . which is much more difficult than calling up a retailer and using a stolen credit card number" (final Office action, page 15). But Rosen discloses "the Transaction money module may be imbedded in an individualized hand held integrated circuit unit" (Rosen, column 10, lines 37). Since the smartcard of Weiss is such a hand held integrated circuit, it is not clear how more security is provided by Rosen. Rosen also discloses the transaction module "will be embodied in a self-contained, tamper-resistant unit . . . [f]or example, as that formed by an epoxy or plastic lamination" (Rosen, column 10, lines 59-67). Again, the smartcard of Weiss is such a self-contained, tamper-resistant unit. Applicant respectfully submits that the Examiner does not provide a motivation to combine because Rosen does not teach increased security.

Thus there is no sound rationale provided by the Examiner to look to Rosen to solve the problems identified by either Weiss or the Applicant. Therefore, for these reasons as well, the Examiner has failed to establish *prima facie* obviousness, and a rejection under 35 U.S.C. §103 is improper.

Neither Weiss nor Rosen nor the combination provides the benefits offered by Applicant's invention, i.e., sparing the consumer or user the redundant effort of repeatedly entering information from one session to another, achieved by storing previous entries required by one called station on the user's base station.

Applicant respectfully submits that the combination of Weiss and Rosen is not proper and, in any case, does not teach or suggest all the significant limitations of Applicant's claim 1; therefore the 35 U.S.C. §103 rejection is improper and should be reversed. For at least the same reasons, this rejection is improper for claims 2-4 and 18-19 which depend from claim 1.

In addition, claim 4 requires "a plurality of data memories and . . . corresponding . . . keys . . . to send information stored" which is not shown by either Weiss or Rosen. The Examiner cites FIG. 3 of Rosen for a "PAY key of wallet" but this wallet is not connected to a telephone line and nowhere does Rosen teach a plurality of keys for sending stored information. The Examiner also cites Weiss for a plurality of keys but these are speed dial numbers or functions and are not taught to "send information stored" to a "called station" or to contain information received from a called station including information supplied to the called station. Therefore the combination does not render claim 4 obvious.

In addition, claim 19 requires "credit card information" but neither Weiss (which discloses a smartcard reader) nor Rosen show a credit card reader for credit card information. The Examiner has not given patentable weight to credit card information because "it is merely a number." Examiner has failed to recognize that, as claimed, credit card information provides functionality not taught or suggested by the prior art.

With respect to independent method claim 11, the claim recites "information . . . from a customer" which the specification makes clear can include card information. Claim 11 also recites "storing information . . . received from a seller" which includes that "card information" from the customer. And claim 11 also includes, storing that information from the seller "in memory located at a customer-site telephone" and then "subsequently sending" it to a (second or subsequent) "seller."

Therefore, symbolically, claim 11 recites $S\{D\{X\{C\}\}\}$. For the reasons given above, neither Weiss nor Rosen nor the combination shows $X\{C\}$.

Applicant respectfully submits that the combination of Weiss and Rosen is not proper, for the reasons given above for claim 1, and, in any case, does not teach or suggest all the significant limitations of Applicant's claim 11; therefore the 35 U.S.C. §103 rejection is improper and should be reversed. For at least the same reasons, this rejection is improper for claims 12 and 20 which depend from claim 11.

In addition, claim 12 requires "a portable device" for "sending said information to a seller" which is not shown by Weiss or Rosen. Neither the smartcard disclosed by Weiss with account information nor the wallet type transaction module shown by Rosen contain "said information" from the called station that includes card information from a base station (symbolically, neither the smartcard nor the wallet contain $X\{C\}$).

In addition, claim 20 requires "credit card information" but neither Weiss (which discloses a smartcard reader) nor Rosen show a credit card reader for credit card information.

With respect to independent method claim 13, the claim recites "recording information from said customer" by "a seller" for "sending information . . . to a customer" and "determining whether telephone of said customer is memory equipped" and "sending said information" to "said customer for storage." Symbolically, if information from said customer is represented by I and information recorded by seller is represented by R, the claim 13 recites I, R, X and D and the relationship $D\{X\{R\{I\}\}\}$. Neither Weiss nor Rosen teach or suggest sending information, X, to a customer that includes information, R, recorded at the called station which includes information I from the customer.

In addition, neither Weiss nor Rosen teach or suggest checking for a memory equipped customer telephone. In Rosen the transaction module is defined to have memory so no checking is

done. In Weiss the telephone-computer is also presumed to have memory so no checking for memory is done.

Applicant respectfully submits that the combination of Weiss and Rosen is not proper, for the reasons given above for claim 1, and, in any case, does not teach or suggest all the significant limitations of Applicant's claim 13; therefore the 35 U.S.C. §103 rejection is improper and should be reversed. For at least the same reasons, this rejection is improper for claim 14 which depends from claim 13.

In addition, claim 14 recites "checks . . . if . . . memory equipped . . . prior to sending" which is not taught or suggested by either Weiss or Rosen. In Rosen the transaction module is presumed to have memory so no checking is done at any time, and certainly checking is not done "prior to sending." In Weiss the telephone-computer is also presumed to have memory so no checking for memory is done, therefore no checking is done "prior to sending."

With respect to independent system claim 15, the claim recites "information provided by said customer" (symbolically, I) "keyed in by personnel at said seller site" (symbolically, R) as well as "confirming whether a telephone of said customer is memory equipped" and "sending information" (symbolically, X) to "said customer memory" (symbolically, D) for a "subsequent" order (symbolically, S). Thus, symbolically, claim 15, recites I, R, X, D and S and the relationship $S\{D\{X\{R\{I\}\}\}\}$ as well as confirming the existence of memory. For at least the reasons given above for claim 13, neither Weiss nor Rosen teach or suggest $X\{R\{I\}\}$ or checking for memory on a customer telephone, as required by claim 15.

The Examiner has not given patentable weight to the limitation that "the information is keyed in by personnel" rather than otherwise being data stored in the memory of the called station. The Examiner thus ignores the information that is the subject of Applicant's invention. This information

that is keyed in by personnel of the called station is the information that must enter the system to become stored and is the information that Applicant's invention seeks to avoid entering more than once. Keying in the information, as required by claim 15 is one way of recording the information as recited by claim 13. This limitation should not be ignored.

Applicant respectfully submits that the combination of Weiss and Rosen is not proper, for the reasons given above for claim 1, and, in any case, does not teach or suggest all the significant limitations of Applicant's claim 15; therefore the 35 U.S.C. §103 rejection is improper and should be reversed.

With respect to independent computer program product claim 17, the claim recites "recording" (symbolically, R) "information from said customer" (symbolically, I), "sending said information from said seller to said customer" (symbolically X) "for storage" (symbolically, D) and "use during a subsequent telephone purchase" (symbolically, S), and "confirming whether a telephone of said customer is memory equipped." Thus, symbolically, claim 17, like claim 15, recites I, R, X, D and S and the relationship $S\{D\{X\{R\{I\}\}\}\}$ as well as confirming the existence of memory. For at least the reasons given above for claim 13, neither Weiss nor Rosen teach or suggest $X\{R\{I\}\}$ or checking for memory on a customer telephone, as required by claim 17.

Applicant respectfully submits that the combination of Weiss and Rosen is not proper, for the reasons given above for claim 1, and, in any case, does not teach or suggest all the significant limitations of Applicant's claim 17; therefore the 35 U.S.C. §103 rejection is improper and should be reversed.

For the reasons given, the Examiner's rejection of claims 1-4, 11-15 and 17-20 under 35 U.S.C. §103 as unpatentable over Weiss in view of Rosen should be reversed. Accordingly, Applicant respectfully requests such action.

Issue 2:

The Examiner erred in rejecting claims 5-10 under 35 U.S.C. §103 as unpatentable over Talton in view of Weiss.

Independent apparatus claim 5 recites “card information” (symbolically, C) which the specification makes clear originates at the base station, “received from a seller” (symbolically, X), an external memory (symbolically, D) and “transmission to . . . called stations” (symbolically, S). Thus, S, D, X, C and the relationship $S\{D\{X\{C\}\}\}$ are all significant limitations of claim 5 and must be taught or suggested in the references for a proper rejection. In addition, claim 5 recites “docking port,” “device memory,” “converter” and “send key.”

Talton teaches a credit card for automatically dialing account numbers into telephones by tones fed through a telephone receiver, or signals directly data input. Talton also discloses an embodiment with a keyboard and an alphanumeric display to permit the user to input desired numbers for dialing and identification. (Talton, Abstract).

Applicant respectfully submits that Talton does not cure the deficiencies in Weiss, because the information that is sent to a called station by Talton (symbolically, S) does not include information previously sent to a separate called station and received from the called station (symbolically, $X\{C\}$).

As to Weiss, the Examiner asserts that “bank records and other financial data are inherently received from the banking service computer which Weiss discloses as a possible called station” (final Office action, page 11). However, the sentence cited by the Examiner is describing “user information” on the smartcard (column 10, lines 51-52) that is not shown to be downloaded from the host computer. The user information also includes telephone numbers and addresses, and all of it may be entered or typed manually by the user without storage directed by the called station, the host computer.

The Examiner also implies that the external memory of claim 5 is on the smart card (final Office action, page 16). However, if the smart card is the portable device of Applicant's claim 5, then the memory on the smart card is the device memory and the memory on the base station is the external memory. The base station then can be connected to the called station of the seller through a telephone for receiving information from the seller.

Furthermore the Examiner does not give a proper technical reason to combine these references. The Examiner asserts the motivation is "to avoid having to type all of the phone and account numbers into the device manually." However, the references, even if combined, do not avoid having to type all of the numbers manually. The numbers will have to be typed manually either on the computer-telephone of Weiss or the keyboard of Talton. Thus this does not provide a motivation to combine the references. There is no problem identified by Weiss that would lead a person of ordinary skill in the art to look to Talton for a solution. The Examiner's proposed motivation for combining the references appears to have originated in Applicant's specification. This, of course, is improper hindsight.

Thus the combination of Weiss and Talton is improper, and, in any case, does not teach or suggest storing information from the called seller station that includes information provided by the user of the base station to the seller. Applicant respectfully submits that the combination of Weiss and Talton does not teach or suggest all the significant limitations of Applicant's claim 5; therefore the 35 U.S.C. §103 rejection is improper and should be reversed. For at least the same reasons, this rejection is improper for claims 6-10 which depend from claim 5.

In addition, claim 9 requires "entering a password prior to loading information" which is not shown by Weiss and Talton.

For the reasons given, the Examiner's rejection of claims 5-10 under 35 U.S.C. §103 as unpatentable over Talton in view of Weiss should be reversed. Accordingly, Applicant respectfully requests such action.

CONCLUSION

For the reasons given, the references, even if combined, do not provide the benefits offered by Applicant's invention, i.e., sparing the consumer or seller the redundant effort of repeatedly entering information from one session to another.

Applicant respectfully submits the Examiner's rejection of claims 1-15 and 17-20 should be reversed, and, accordingly, requests such action.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in cursive script, appearing to read "Eugene J. Molinelli".

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APPENDIX

1. Apparatus for sending information to called stations over a telephone line, comprising:
 - a. a telephone set connected to said line;
 - b. a data interface connected to said line;
 - c. a card reader for reading card information and sending it to one of said called stations over said data interface;
 - d. data memory for storing information from one of said called stations, including said card information; and
 - e. a key for activating said data memory to send said stored information to another of said called stations.
2. Apparatus of claim 1 further comprising:
a docking port for receiving a portable device having device memory therein and for transferring information from said data memory to said device memory.
3. Apparatus of claim 1 further comprising:
a display for displaying information from said data memory.
4. Apparatus of claim 1 further comprising:
a plurality of data memories and a corresponding plurality of keys for activating said data memories to send information stored in said data memories to another of said called stations.

5. A portable device for sending information to called stations over a telephone line, comprising:

- a. a device memory;
- b. a docking port for receiving information from an external memory and loading said information into said device memory, wherein said information comprises card information relating to a telephone purchase and is received from a seller memory connectable to said external memory;
- c. a converter for converting said information from said device memory into an audible representation of said information; and
- d. a send key for activating said converter;

whereby, by activating said send key, said audible representation is presented to a microphone of a telephone set for transmission to at least one of said called stations.

6. The portable device of claim 5 further comprising a plurality of device memories, each selectively storing different information and a plurality of keys, each activating a particular one of said device memories.

7. The portable device of claim 5 further comprising a display for showing the contents of said device memory.

8. The portable device of claim 5 in which said converter comprises a digital to analog converter and an electro-acoustical transducer.

9. The portable device of claim 5, further comprising a plurality of keys for entering a password prior to loading information into said device.

10. The portable device of claim 5, further comprising a plurality of keys for entering a password prior to activating said converter.

11. A method of sending information related to a telephone purchase from a customer to a seller, comprising the steps of:

a. providing an element for performing the step of storing information, including card information, received from a seller in memory located at a customer-site telephone; and

b. providing an element for performing the step of subsequently sending said information from said memory located at the customer-site telephone to a seller.

12. The method of claim 11 in which said element for performing the step of subsequently sending said information to a seller comprises a portable device.

13. A method of sending information related to a telephone purchase from a seller to a customer, comprising the steps of:

a. providing an element for performing the step of recording information from said customer in digital form;

b. providing an element for performing the step of determining whether a telephone of said customer is memory equipped; and

c. providing an element for performing the step of sending said information from said seller to said memory equipped telephone of said customer for storage.

14. The method of claim 13, in which said seller checks to see if said customer is equipped memory for storing said information, prior to sending said information.

15. A system for sending and receiving orders for goods, comprising:

a. a telephone at a customer site having a customer memory for storing and sending information;

b. a telephone at a seller site having a seller memory and a display for respectively storing information, provided by said customer and keyed in by personnel at said seller site and stored in said seller memory, confirming whether a telephone of said customer is memory equipped, and sending information stored in said seller memory to said customer memory for use during a subsequent order; and

c. a telephone network connecting said telephone at a customer site with said telephone at a seller site while an order for goods is placed.

16. A computer program product for sending information related to a telephone purchase from a customer to a seller, comprising:

a. a memory medium; and

b. a computer program stored on said memory medium, said computer program comprising instructions for storing information received during a first purchase transaction from a

seller over a telephone line in memory and for subsequently sending said information to a seller for use during a second purchase transaction.

17. A computer program product for sending information related to a telephone purchase from a seller to a customer, comprising:

- a. a memory medium,; and
- b. a computer program stored on said memory medium, said computer program comprising instructions for recording information from said customer in digital form, confirming whether a telephone of said customer is memory equipped, and sending said information from said seller to said customer for storage and use during a subsequent telephone purchase.

18. Apparatus of claim 1 wherein the data interface, the card reader, the data memory, and key are integrated into the telephone set.

19. Apparatus of claim 1 wherein said information comprises credit card information.

20. The method of claim 11 wherein said information comprises credit card information.